Staff Report – Board of Zoning Appeals

Docket #:	BZA2022-001	**Hearing Date:**	2/28/2022
Applicant:	Larry D. Siegler (The Peterson Company. LLC)		
Owner:	Shuel GW5, LLC		
Subject Property Address:	N. Graham Road, Greenwood, IN 46143		
Staff Contact:	Ed Ferguson, fergusoe@greenwood.in.gov, 317-887-5231		

Request:
A reduction of the requirement to have loading facilities at least two-hundred (200') away from a residential property to one-hundred and twenty feet (120') for the construction of loading facilities along the south property line, loading facilities are to be facing east.

Exhibit D – 12' Sound Barrier
Exhibit E – Retaining Wall/Landscaping/Fence
Exhibit I – Letter to Victor with residential neighbor acceptance
Exhibit J – Applicant's "Exhibit A "

Location:
The property parcel address is 41-02-26-033-005.000-030. The subject property is located at 685 Graham Road on the east side of Graham Road. The subject property is legally described as Block "A" Greenpointe Logistics Center. The subject property contains 14.49 acres, more or less.

Exhibit A - Aerial Map
Exhibit B – Vicinity Map
Exhibit C – Proposed Site/Building

Indiana Code Reference(s):
- Section 36-7-4-918.5 (Dimensional Variances)

Surrounding Land Uses:
A. Existing: IL – Industrial Large, agricultural vacant land
B. North: IL – Industrial Large, industrial warehouse
C. South: R-R - Rural Residential District (Johnson County Beacon), residential single family dwellings and an agricultural cash grain/general farm
D. East: R-R -Rural Residential District (Johnson County Beacon), agricultural vacant land and agricultural cash grain/general farm
E. West: IL – Industrial Large, industrial warehouse

Exhibit A - Aerial Map
Exhibit B – Vicinity Map

Statutory Criteria:

- Indiana Code Section 36-7-4-918.5 Dimensional/Development Standard Variances may be approved only upon a determination in writing that:
    1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
    3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

- Indiana Code Section 9-21-10-3 No Hazard to Air Navigation (if applicable)
    1. The structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered.

Greenwood Code References:

- GMC, Chapter 10, Division 3, Section Sec. 10-03-03. Commercial Off-Street Loading Facilities. B.2.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. **The approval will not be injurious to the public health, safety, morals, or general welfare of the community because:**

   The variance allows for the design and development of an industrial building that is complementary to the surrounding buildings in Greenwood of similar industrial style.

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:**

   The current tract is undeveloped, and the proposed improvements would be in keeping with similar industrial buildings in the surrounding area. The building meets the minimum required setbacks and additional screening measures will be installed. The buffer, screening and a sound deadening wall will be utilized so the neighbors will not be adversely impacted. An agreement with the neighbors is attached to this petition.

   Exhibit I – Letter to Victor with residential neighbor acceptance
   Exhibit J – Applicant's "Exhibit A "

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:**

   The proposed building is designed for flexibility to be divided into up to 8 smaller tenants with all having the option to have loading docks in the rear. The removal of eighty feet of loading dock on the south side of the building will result in practical difficulties to lease the south unit of the building. Based on the current leasing rates for this type of space all units need to be occupied to make financial sense.

4. **The structure is or is not regulated under Indiana Code 8-21-10-3 for hazard air navigation:**

   Will comply with all ordinances concerning listed numbers.

Comments and Findings:

The proposed variance was previously seen before the Board of Zoning Appeals on September 27, 2021. The Variance was rejected due to a lack of communication during the site design process with surrounding residential neighbors. The petitioner has met with neighbors regarding the site design and agreed to various requests. These requests are reflected in the proposed commitments of this staff report and in the agreement attached to this staff report as Exhibit J – Applicant's "Exhibit A".

Summary and Proposed Conditions:

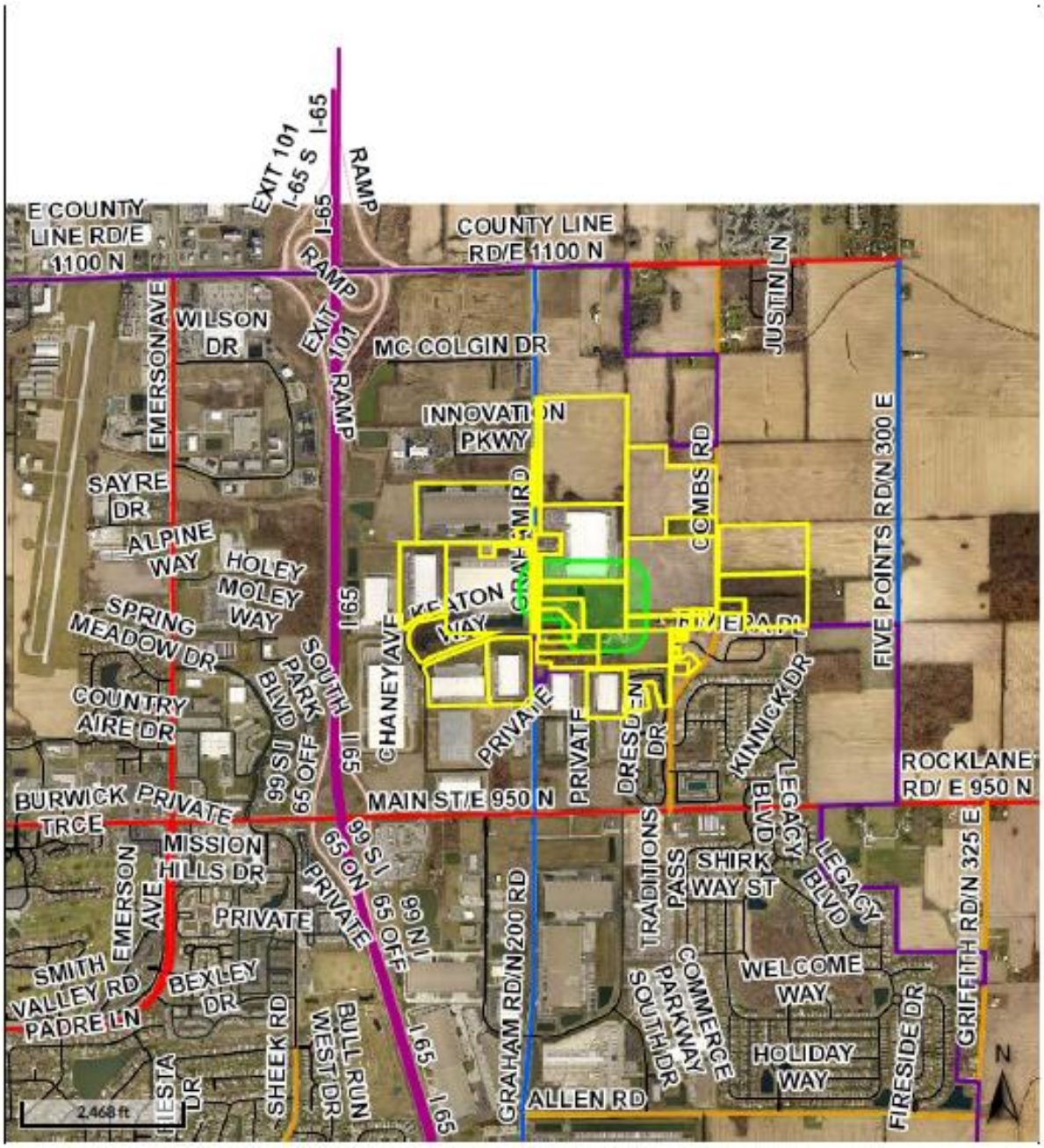
Staff has no objections to petitioner's statements of reasons. Greenwood Planning Staff recommends approval of the petitioner's requests with the following nine (9) conditions:

1. The sound wall shall be made of Dense Concrete (Thickness: 4") and substantially comply with the drawings submitted with this petition and attached as an exhibit to this staff report.
2. The noise wall will be painted to match the building.
3. Increase fencing height to 8' along all site boundaries that border residential.
4. Install a 40' long x 12' tall screening and sound wall.
5. Design all perimeter/building lighting as 'down lighting' such that it does not shine on surrounding properties.
6. Add eight (8) additional Canadian Hemlock trees on both the western and southern borders.
7. Install line stabilization only during calm days (winds no greater than 12 mph).
8. Install one speed hump of the southern driveway as shown on Exhibit J – Applicant's "Exhibit A".
9. Install two signs designating the southern driveway as an emergency access drive as shown on Exhibit J – Applicant's "Exhibit A".
10. Petitioner shall provide updated site/civil drawings to reflect the above conditions.

Attachments:
Exhibit A - Aerial Map
Exhibit B – Vicinity Map
Exhibit C – Proposed Site/Building
Exhibit D – 12' Sound Barrier
Exhibit E – Retaining Wall/Landscaping/Fence
Exhibit F – Concrete Noise Wall
Exhibit G – Decibel Scale
Exhibit H – Barrier Diffraction and Dense Concrete
Exhibit I – Letter to Victor with residential neighbor acceptance
Exhibit J – Applicant's "Exhibit A "

Exhibit A - Aerial Map

Beacon™ Johnson County, IN



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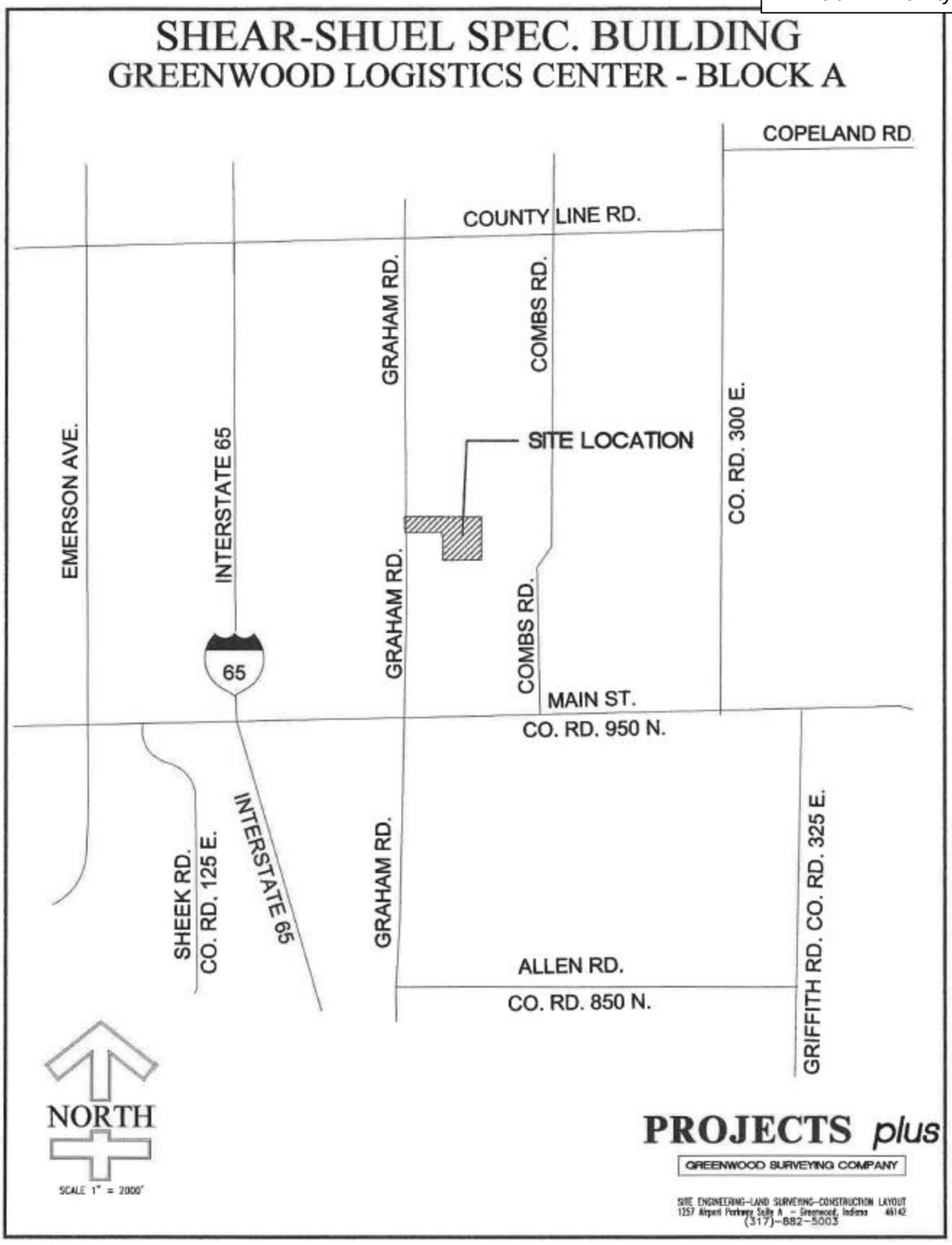
Developed by Schneider GEOSPATIAL

Exhibit B – Vicinity Map

SHEAR-SHUEL SPEC. BUILDING
GREENWOOD LOGISTICS CENTER - BLOCK A



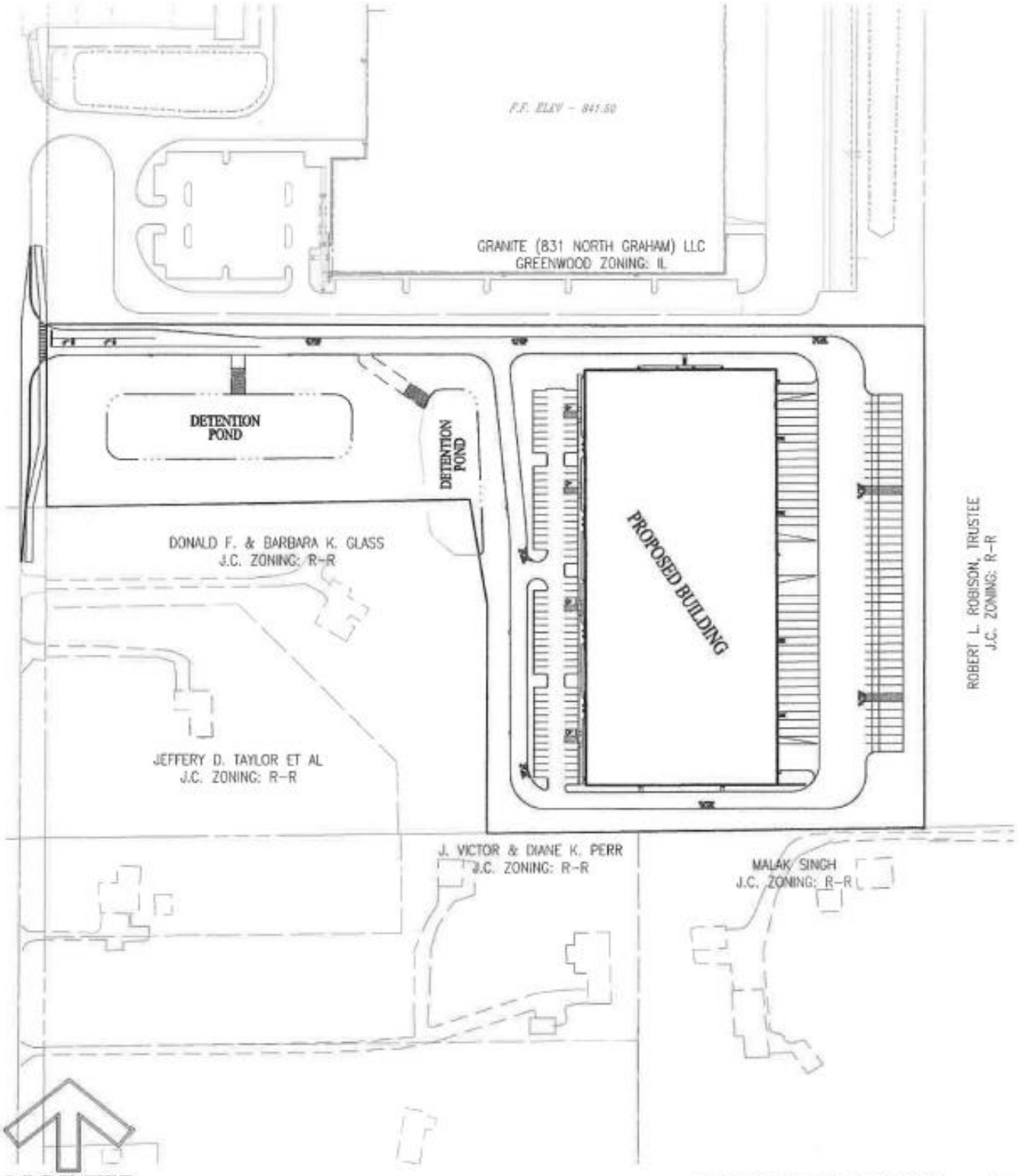
PROJECTS *plus*

GREENWOOD SURVEYING COMPANY

SITE ENGINEERING–LAND SURVEYING–CONSTRUCTION LAYOUT
1257 Airport Parkway Suite A – Greenwood, Indiana 46142
(317)–882–5003

Exhibit C – Proposed Site/Building

SHEAR-SHUEL SPEC. BUILDING
GREENWOOD LOGISTICS CENTER - BLOCK A



PROJECTS *plus*

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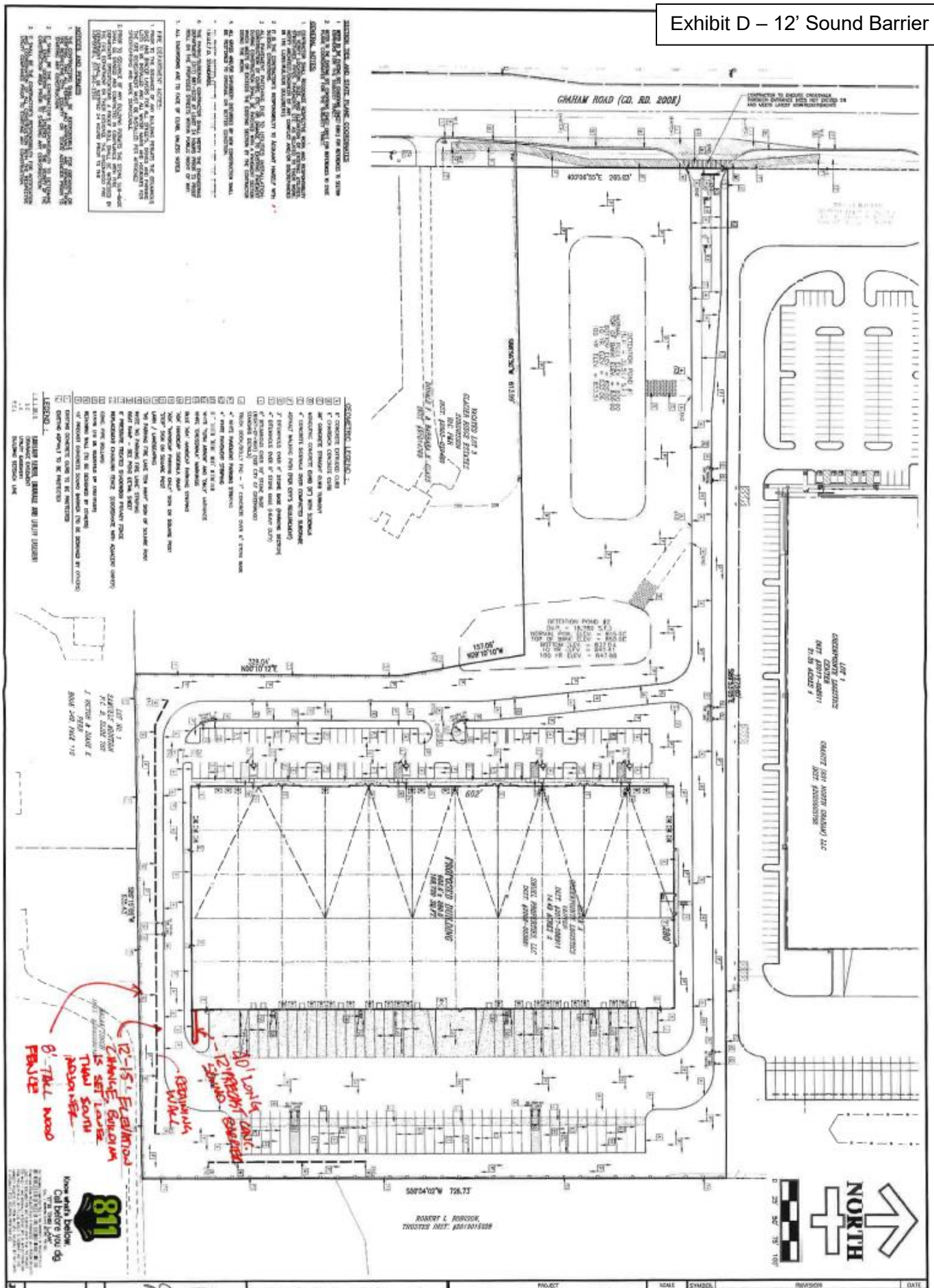
SITE ENGINEERING-LAND SURVEYING-CONSTRUCTION LAYOUT
1257 Airport Parkway Suite A – Greenwood, Indiana 46142
(317)-882-5003

Exhibit D – 12’ Sound Barrier



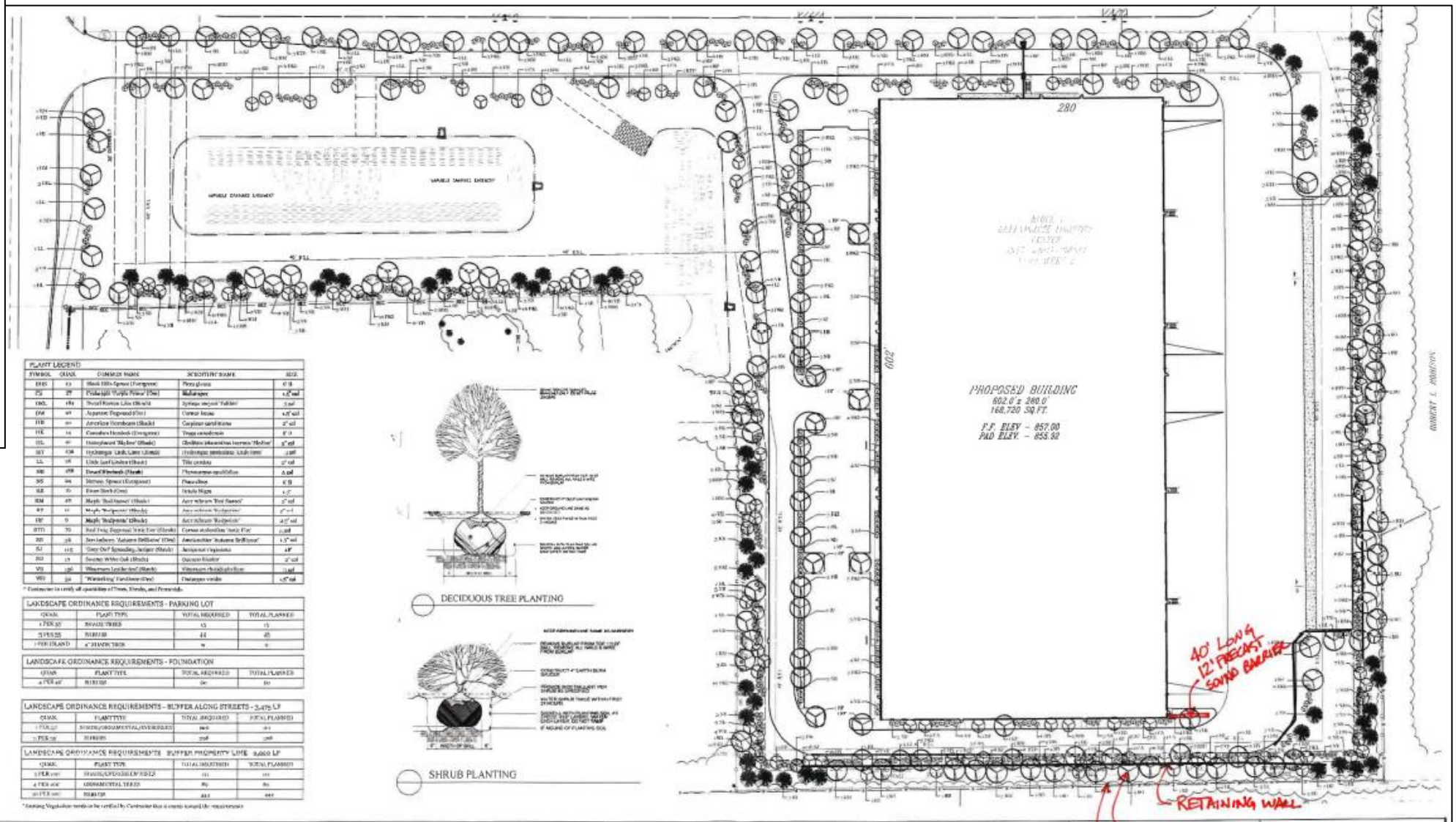
PROJECT	SHEAR–SHUEL SPEC. BUILDING GREENPOINTE LOGISTICS CENTER – BLOCK A CITY OF GREENWOOD, JOHNSON COUNTY, INDIANA	SCALE	1"=50'
		DRAWN	JPH
TITLE	PROPOSED SITE CONDITIONS (GEOMETRIC PLAN)	CHECKED	JKS
		CERTIFIED	JKS

SYMBOL	REVISION	DATE

PROJECTS plus
GREENWOOD SURVEYING COMPANY
1317 Airport Parkway Suite A • Greenwood, Indiana 46143
(317)-882-5003

JOB NUMBER 200007
SHEET C302
DATE JULY 28, 2021

Exhibit E – Retaining Wall/Landscaping/Fence



PLANT LEGEND

SYMBOL	QUAN.	COMMON NAME	SCIENTIFIC NAME	SIZE
BHS	13	Black Hills Spruce (Evergreen)	Picea glauca	6' B
CM	27	Crabapple 'Purple Prince' (Tree)	Malus spp.	1.5" cal
LIL	184	Dwarf Korean Lilac (Shrub)	Syringa meyeri 'Palibin'	5 gal
OM	49	Japanese Flowering (Tree)	Cornus kousa	1.5" cal
HB	40	American Hornbeam (Shade)	Carpinus caroliniana	2" cal
HE	14	Canadian Hemlock (Evergreen)	Tsuga canadensis	6' B
HL	40	Honeylocust 'Skyline' (Shade)	Gleditsia triacanthos inermis 'Skyline'	2" cal
HY	158	Hydrangea 'Limelight' (Shrub)	Hydrangea paniculata 'Limelight'	3 gal
LL	18	Little Leaf Linden (Shade)	Tilia cordata	2" cal
MR	168	Dwarf Burning Bush (Shrub)	Thymus serpyllum	5 gal
NS	44	Norway Spruce (Evergreen)	Picea abies	6' B
NZ	30	Techny Arborvitae (Evergreen)	Thuja x 'Techny'	6' B
RM	49	Maple 'Red Sunset' (Shade)	Acer rubrum 'Red Sunset'	2" cal
RP	11	Maple 'Redpointe' (Shade)	Acer rubrum 'Redpointe'	2" cal
RP	9	Maple 'Redpointe' (Shade)	Acer rubrum 'Redpointe'	2.5" cal
RTT	70	Red Twig Dogwood 'Arctic Fire' (Shrub)	Cornus sericea 'Arctic Fire'	5 gal
SB	36	Sea Lavender 'Autumn Brilliance' (Tree)	Amelanchier 'Autumn Brilliance'	1.5" cal
SJ	115	'Grey Owl' Spreading Juniper (Shrub)	Juniperus virginiana	18"
SO	15	Swamp White Oak (Shade)	Quercus bicolor	2" cal
VB	196	Viburnum 'Autumn Jazz' (Shrub)	Viburnum dentatum 'Ralph Senior'	5 gal
WH	30	'Winterking' Hawthorn (Tree)	Crataegus viridis	1.5" cal

* Contractor to verify all quantities of Trees, Shrubs, and Perennials.

LANDSCAPE ORDINANCE REQUIREMENTS - PARKING LOT

QUAN.	PLANT TYPE	TOTAL REQUIRED	TOTAL PLANTED
1 PER 35'	SHADE TREES	12	13
5 PER 35'	SHRUBS	44	45
1 PER ISLAND	4" SHADE TREE	9	9

LANDSCAPE ORDINANCE REQUIREMENTS - FOUNDATION

QUAN.	PLANT TYPE	TOTAL REQUIRED	TOTAL PLANTED
4 PER 40'	SHRUBS	60	80

LANDSCAPE ORDINANCE REQUIREMENTS - BUFFER ALONG STREETS - 3,475 LF

QUAN.	PLANT TYPE	TOTAL REQUIRED	TOTAL PLANTED
1 PER 35'	SHADE/ORNAMENTAL/EVERGREEN	99	101
3 PER 35'	SHRUBS	298	300

LANDSCAPE ORDINANCE REQUIREMENTS - BUFFER PROPERTY LINE - 2,660 LF

QUAN.	PLANT TYPE	TOTAL REQUIRED	TOTAL PLANTED
1 PER 40'	SHADE/ORNAMENTAL/EVERGREEN	111	111
4 PER 40'	ORNAMENTAL TREES	89	89
20 PER 40'	SHRUBS	443	444

* Existing Vegetation needs to be verified by Contractor that it meets requirements

DECIDUOUS TREE PLANTING

SHRUB PLANTING

Start To Finish Landscaping

3375 South 500 East
Whitestown, IN 46075

tel 317.769.2211
starttofinish@tds.net

Project Name

Shear-Shuel Spec. Building
Greenpointe Logistics Center - Block A
Greenwood, Indiana

Drawn By: McKennah Brown
Date: June 09, 2021
Rev. Date: July 23, 2021

Scale/North

0 40 80 120

Sheet Title

Planting Plan

Sheet Number

L-1

Exhibit F – Concrete Noise Wall

Noise walls are a by product of the Federal Highway Administration and a direct result of highways near residential areas.

Figure 70. Concrete noise wall
photo #634

Figure 71. Concrete noise wall
photo #1239

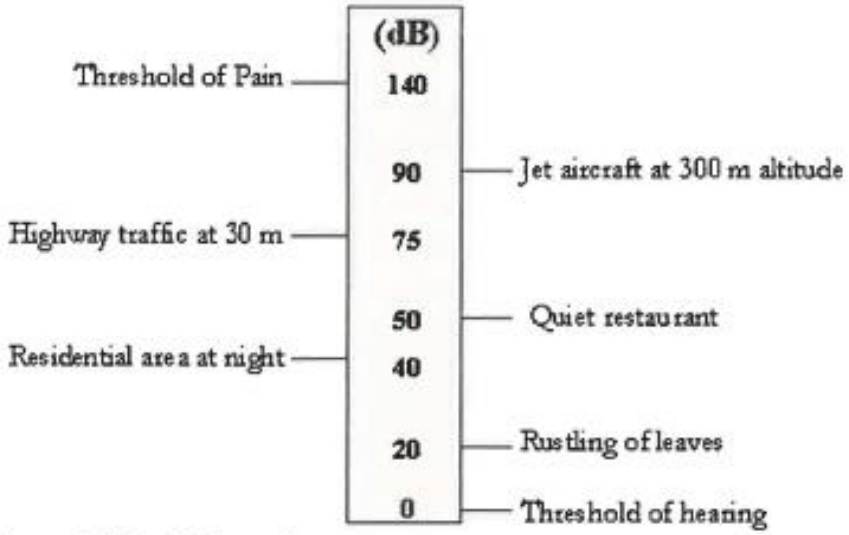
Exhibit G – Decibel Scale

Features - **Almost half of the noise walls constructed in North America to date are made of concrete.** The proliferation of the use of concrete is not without reason. Concrete, if formulated, cast (precast or cast-in-place), and cured properly, is considered to be one of the most durable materials currently used for many highway products, including noise barriers. It is rugged and able to withstand severe temperatures, intense sunlight, moisture, ice, and salt. It is a versatile material capable of being shaped, molded, and textured to take on the appearance of anything from weathered wooden boards to rock face to stone blocks to virtually any sculpted mural topic imaginable. Its mass, even at a thickness of only 12 mm (0.5 in.), is well within any Sound Transmission Class requirement

Concrete products lend themselves well to coloring or tinting by either incorporating pigments into the concrete mix before pouring or afterwards by applying a stain onto the surface of the cured products.

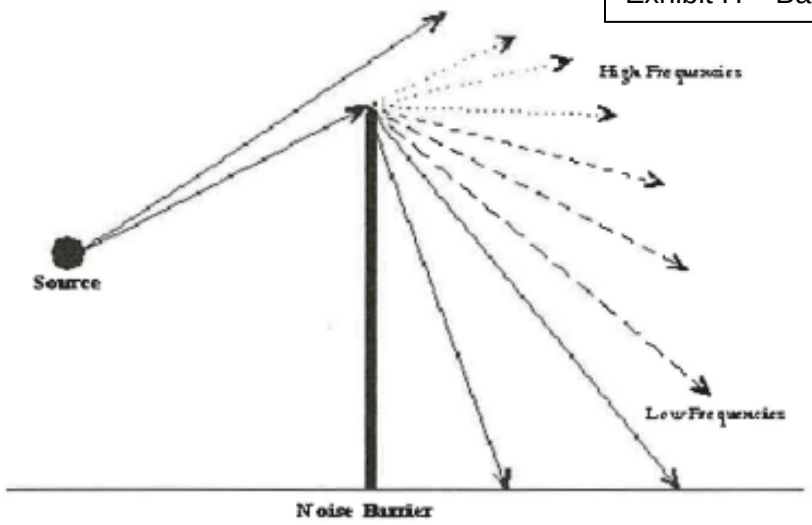
Typical Use - The versatility of concrete also extends to the shape and the size with which the panels can be produced (e.g., precast stacked panels, cast-in-place and precast full height panels, and precast concrete block). In addition, concrete allows for a complete range of installation techniques including post and panel, post integral with the panel, free standing, direct buried, and on top of spread footings, continuous footings, traffic barriers, and retaining walls. Cast-in-place concrete walls have been typically used on bridges and retaining walls because of their flexibility of design, high structural strength, and resistance to vehicle impact damage.

The following figure shows a scale relating various sounds encountered in daily life and their approximate decibel values:



- **Figure 5. Decibel scale**
- Diffraction, or the bending of sound waves around an obstacle, can occur both at the top of the barrier and around the ends. This bending occurs much like other wave phenomena, such as light and water waves. Due to the nature of sound waves, diffraction does not bend all frequencies uniformly. Higher frequencies (shorter wavelengths) are diffracted to a lesser degree; while lower frequencies (longer wavelengths) are diffracted deeper into the "shadow" zone behind the barrier. As a result, a barrier is, generally, more effective in attenuating the higher frequencies as compared with the lower frequencies (see Figure 9).[ref.18]

Exhibit H – Barrier Diffraction and Dense Concrete



- Figure 9. Barrier diffraction

Table 3. Approximate sound transmission loss values for common materials.

Material	Thickness mm (inches)	Weight kg/m^2 (lbs/ft^2)	Transmission Loss (dB(A))
Concrete Block, 200mm x 200mm x 405 (8" x 8" x 16") light weight	200mm (8")	151 (31)	34
Dense Concrete	100mm (4")	244 (50)	40
Light Concrete	150mm (6")	244 (50)	39
Light Concrete	100mm (4")	161 (33)	36
Steel, 18 ga	1.27mm (.0.050")	10 (2.00)	25
Steel, 20 ga	0.95mm (0.0375")	7.3 (1.50)	22
Steel, 22 ga	0.79mm (0.0312")	6.1 (1.25)	20
Steel, 24 ga	0.64mm (0.025")	4.9 (1.00)	18
Aluminum, Sheet	1.59mm (0.0625")	4.4 (0.9)	23
Aluminum, Sheet	3.18mm (0.125")	8.8 (1.8)	25
Aluminum, Sheet	6.35mm (0.25")	17.1(3.5)	27
Wood, Fir	12mm (O.5")	8.3 (1.7)	18
Wood, Fir	25mm (1.0")	16.1(3.3)	21
Wood, Fir	50mm (2.0")	32.7 (6.7)	24
Plywood	12mm (0.5")	8.3 (1.7)	20
Plywood	25mm (1.0")	16.1 (3.3)	23
Glass, Safety	3.18mm (0.125")	7.8 (1.6)	22
Plexiglass	6mm (0.25")	7.3 (1.5)	22

dotloop signature verification:

Exhibit I – Letter to Victor with residential neighbor acceptance

SHEAR property group
PO Box 44717
Indianapolis, IN 46204-9998
317.762.8018

November 19, 2021

J. Victor Perr
487 N. Graham Rd
Greenwood, IN 46143

Dear Victor,

Thank you very much for the time and effort that you have put forth to identify a solution that provides Shear Property Group with a pathway to obtain its requested variance (modifying the dock loading setback from 200' to 120' adjacent to residential), while meeting the needs and concerns of the neighbors. In summary, below are the commitments that Shear Property Group is willing to make to the neighbors and to the City of Greenwood as part of the variance process. During the construction of the project, Shear GW5, LLC (the owner and developer of the project) will:

- Increase fencing height to 8' along all site boundaries that border residential.
- Install a 40' long x 12' tall screening and sound wall.
- Design all perimeter/building lighting as 'down lighting' such that it does not shine on surrounding properties.
- Add eight (8) additional Canadian Hemlock trees on both the western and southern borders.
- Install lime stabilization only during calm days (winds no greater than 12 mph).
- Install one speed hump of the southern driveway as shown on Exhibit A.
- Install two signs designating the southern driveway as an emergency access drive as shown on Exhibit A.

In addition, you may reach out to the following representatives should there be any questions or concerns during construction:

Larry Siegler
lsiegler@thepetersonco.com
317.710.7010

Brian Zurawski
brian.zurawski@colliers.com
317.413.5936

Please request that each residential neighbor sign their acceptance below so that we can submit to the City of Greenwood. Thank you again for your support.

Sincerely,

Gerry Shear

Agreed and Accepted:

Signed: *J Victor Perr* dotloop verified 12/20/21 11:50 AM EST H328-PMNU-NLUO-O1UY	ed:
Printed: J. Victor Perr	Printed:
Address: 487 N Graham Rd, Greenwood, IN 46143	ss:

Signed: *Donald Glass* dotloop verified 12/20/21 1:25 PM EST CHHR-AP2T-QPDH-2DFD	ed:
Printed: Donald Glass	Printed:
Address: 599 N Graham Rd, Greenwood, IN 46143	ss:

Signed: *Jim Robison* dotloop verified 12/27/21 9:42 AM EST VEWJ-RP2T-MV7N-NKDM	ed:
Printed: James Bobison	Printed:
Address: 644 North Combs Rd, Greenwood, IN 46143	

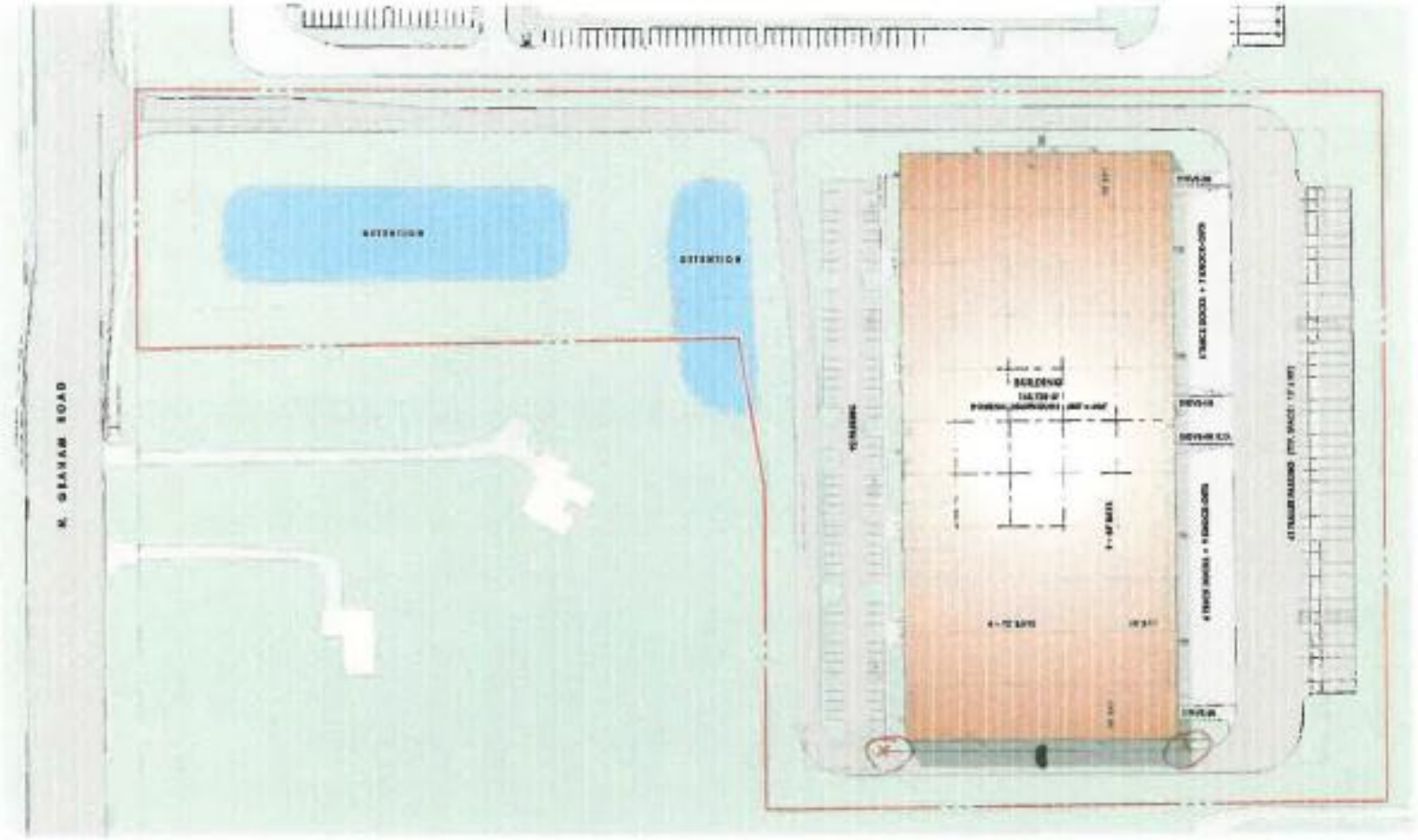
Signed:	Signed:
Printed: Gerry Shear	Printed:
Address:	Address:

Signed:	Signed:
Printed:	Printed:
Address:	Address:

Signed:	Signed:
Printed:	Printed:
Address:	Address:

Following Page is EXHIBIT A

Exhibit J – Applicant's "Exhibit A "



dotloop verified 12/27/21 1:40 PM EST TEHR-WWGU-MKWM-TSEL	dotloop verified 12/28/21 1:25 PM EST HEKJ-SRMH-PWHH-KCXL	dotloop verified 12/27/21 1:50 AM EST KEPK-MKWS-ISSV-WSDV
Jim Robison	Donald Glass	Peter Pore

Site Plan
Scale: 1" = 30'-0" (24" x 36")

Site Area: ±14.5 Acres

NORTH

PETERSON

Shear - Shuel Spec Building 703 N. GRAHAM ROAD - GREENWOOD, INDIANA

20 OCTOBER 2021

ARCHITECTURE

(A) - sign locations

1 - speed hump